

IN THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT  
OF MISSISSIPPI NORTHERN DIVISION

OLIVIA Y., *et al.*

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

PHIL BRYANT, as Governor of  
the State of Mississippi, *et al.*

DEFENDANTS

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RESPONSE AND OBJECTIONS TO PLAINTIFFS' MOTION FOR AWARD OF CLASS  
COUNSEL'S FEES AND EXPENSES

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COME NOW the Defendants, and for their *Response and Objections to Plaintiff's Motion for Award of Class Counsel's Fees and Expenses* would show unto this Honorable Court as follows:

1. The attorneys' fees award sought by the Plaintiffs [Doc #717] is governed by 42 U.S. Code §1988. This statute requires any attorneys' fees to be reasonable.

2. Federal courts have created a vast body of law defining reasonable attorneys' fees and articulating the reasons that some attorneys' fees are excessive, impermissible and unreasonable.

3. For the reasons set forth in Defendants' *Memorandum in Support of Response and Objections to Plaintiff's Motion for Award of Class Counsel's Fees and Expenses* the fees requested by Plaintiffs are not reasonable, and by this motion the Defendants hereby object.

4. The Plaintiffs are seeking a windfall through an invoice that fails to demonstrate even a trace of billing judgment:

- a) The Plaintiffs' attorneys billed an extraordinary amounts just for reviewing invoices;
- b) An excessive amount of time was billed to a prior motion for attorneys' fees [Doc #686];

c) The invoice is filled with vague entries that leave it to the court to discern what legal work the Plaintiffs actually performed;

d) The invoice contains duplicative and redundant entries made by the multiple attorneys performing the same task;

e) Attorneys charged extravagant rates for performing secretarial work and paralegals charged high rates for clerical and general overhead work; and

f) The invoice is also replete with impermissible block billed items that lump multiple tasks together.

5. For all of these reasons, the Defendants object to Plaintiffs' motion for attorneys' fees [Doc #717], and would ask this Court to cull the invoice of all excessive, impermissible and unreasonable time.

Respectfully submitted,

PHIL BRYANT, as Governor of the State of Mississippi,  
DAVID A. CHANDLER, as Commissioner, Mississippi  
Department of Child Protection Services, and TRACY  
MALONE, as Deputy Commissioner of Child Welfare,  
Mississippi Department of Child Protection Services

By: /s/ Kenya Key Rachal

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of such filing to the following:

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**SO CERTIFIED**, this the 14th of April 2017.

/s/ Kenya Key Rachal\_\_\_\_\_